

Amendments to House Bill No. 43
1st Reading Copy

Requested by Representative Margaret (Margie) MacDonald

For the House Judiciary Committee

Prepared by Helen Thigpen
January 24, 2013 (2:56pm)

1. Title, page 1, line 8.
Following: "APPROPRIATION;"
Insert: "AMENDING SECTIONS 7-6-2541 AND 7-32-2224, MCA;"
2. Page 1, line 14.
Strike: "7"
Insert: "8"
3. Page 1, line 16.
Strike: "4"
Insert: "5"
Strike: "7"
Insert: "8"
4. Page 1, line 20.
Strike: "7"
Insert: "8"
5. Page 1, line 26.
Strike: "means" through "center"
Insert: "has the meaning provided in 7-32-2241"
6. Page 2, line 1.
Following: "Department"
Insert: "to partner with local communities"
7. Page 2, line 6.
Following: "instrument"
Insert: "and recommended response protocols"
8. Page 2, line 7.
Strike: "protocols"
9. Page 2, following line 16.
Insert: "(d) the Montana state hospital;"
Renumber: subsequent subsections
10. Page 2, following line 21.
Insert: "NEW SECTION. Section 4. Suicide prevention training,

protocols, and technical assistance -- no private right of action. (1) The department shall develop or contract for the development of a suicide prevention training course for use in detention centers by detention center personnel.

(2) The course must include the use of evidence-based screening instruments for use by detention center personnel and the mental health professionals available to the detention center to determine the risk of suicide for each inmate at the detention center and the use of appropriate management protocols for an inmate identified as a suicide risk. The suicide prevention officer appointed pursuant to 53-21-1101 shall provide assistance for purposes of this section.

(3) Nothing in [section 1 or 2] or this section creates a right of action against the state or a local government by any individual or other person to require by civil action the duties imposed by those sections, but nothing in those sections extinguishes or limits a right under other law."

Renumber: subsequent sections

11. Page 3, line 16.

Strike: "7"

Insert: "8"

12. Page 3, line 18.

Strike: "degree of success"

Insert: "utilization"

13. Page 3, line 27.

Strike: "7"

Insert: "8"

14. Page 3, line 27.

Following: "."

Insert: "In creating and maintaining the program provided in [sections 1 through 8] and in adopting rules to implement [sections 1 through 8], the department shall consult with the suicide prevention officer appointed pursuant to 53-21-1101 and the partners identified in [section 3] and may consult with other appropriate groups and individuals."

15. Page 3, following line 27.

Insert: "Section 9. Section 7-6-2541, MCA, is amended to read:

"7-6-2541. County detention center inmate medical costs.

The board of county commissioners shall budget and expend funds for inmate medical care, including but not limited to costs of providing direct medical care, medication, medical services, suicide prevention and intervention services as indicated by the use of suicide prevention screening instruments, hospitalization, insurance premiums, self-insured coverage, or contracted services for expenses that must be borne by the county for inmates

confined in a county detention center as provided for in 7-32-2224."

{Internal References to 7-6-2541; None.}"

Insert: "Section 10. Section 7-32-2224, MCA, is amended to read:

"7-32-2224. Payment of medical costs by entities other than inmate. (1) The detention center administrator shall forward to the appropriate arresting agency all charges for medical treatment for which the agency is responsible, including the cost of suicide prevention and intervention as indicated by the use of suicide prevention screening instruments.

(2) When the inmate is in the custody of a county detention center and the detention center administrator determines that the inmate requires medical treatment, the county or the arresting agency is responsible for medical costs associated with:

(a) conditions that are not preexisting;

(b) injuries incurred by the inmate:

(i) while in the custody of the detention center if the injuries are the result of an accident, an assault by another inmate, or negligent or intentionally torturous acts committed by the detention center administrator or the administrator's staff;

(ii) during the arrest of the inmate by the sheriff or the sheriff's staff if the injuries were not incurred while unlawfully resisting arrest; or

(iii) while on a work program or while the inmate is performing duties assigned by the detention center administrator or the administrator's staff;

(c) infections or contagious or communicable diseases that the inmate contracts while in the custody of the detention center; or

(d) medical examinations that are required by law or court order unless the order provides otherwise.

(3) In order to determine which entity is responsible for medical charges that are not the responsibility of the inmate, the following applies:

(a) If the arresting agency is a law enforcement agency whose jurisdiction is limited to the county boundaries of the county or a municipality in the county where the detention center is located, then the county is responsible.

(b) If the arresting agency is a law enforcement agency with statewide jurisdiction or whose jurisdiction is a county or municipality in a county other than the county where the detention center is located, then the arresting agency is responsible.

(c) If a municipality commits a person to the detention center of the county in which the municipality is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that municipality, then the county in which the municipality is located is responsible.

(4) For the purposes of 7-32-2245 and this section, "preexisting condition" means an illness or condition that began

or injuries that were sustained before a person was in the custody of county officers."

{Internal References to 7-32-2224:

x7-6-2541 x7-32-2245 }"

16. Page 4, line 1.

Strike: "7"

Insert: "8"

17. Page 4, line 3.

Strike: "7"

Insert: "8"

18. Page 4, line 5.

Strike: "7"

Insert: "8"

- END -